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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/745,395 | 12/21/2000 | Christopher J. Howard | 3936P001D | 4122 |

7590

11/13/2003

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| EXAMINER |
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ELISCA, PIERRE E

| ART UNIT | PAPER NUMBER |
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3621

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/745,395

Applicant(s)
Christopher J. Howard et al.

Examiner
Pierre E. Elisca

Art Unit
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/03/2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23, 84, and 85 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23, 84, AND 85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION
RESPONSE TO AMENDMENT

1. This office action is in response to Applicant's amendment, filed on 11/03/2003.
2. Claims 20-23, 84, and 85 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-23, 84, and 85 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Glogau, Jordan (WO 9825373) in view of Kim et al. (U.S. Pat. No. 5,799,081).**

As per claims 20-23, Glogau discloses a copy protection system/method that protects web sites (web sites or content distributed) and other works in computer readable form from unauthorized access and/or reproduction (which is readable as Applicant's claimed invention wherein it is stated that a method of receiving compensation for a security system for protecting content distributed on a network), comprising:

selling (terms and condition) a server security program to a content provider (see., abstract, or selling web sites to authorize user, page 19, lines 3-20, terms and condition);

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selling a plurality of copies for a limited-use program to the content provider for licensing to users wishing to access the content (see., abstract, page 5, lines 6-20, page 9, lines 22 and 23, page 10, lines 1-24, page 11, lines 1-20, page 19, lines 3-20).

It is to be noted that Glogau fails to explicitly disclose Applicant's newly added limitations wherein the server security program distributes the content to a client system if the client system has a limited-use client program and wherein the limited-use client program limits reproduction of the content at the client system in at least one way. However, Kim discloses an illegal view/copy protection for a digital broadcasting including a reproducibility control field for limiting the reproduction of a copied program see., abstract, col 5, lines 64-67, col 6, lines 1-17). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the copy protection method/system of Glogau by including the limitations detailed above as taught by Kim because this would prevent from being illegally viewed or copied to thereby protect its copyright.

As per claims 84 and 85, Jordan discloses a copy protection system/method that protects web sites (web sites or content distributed) and other works in computer readable form from unauthorized access and/or reproduction (which is readable as Applicant's claimed invention wherein it is stated that a method of receiving compensation for a security system for protecting content distributed on a network), comprising:

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providing network accessible protected content from a source (see., abstract, selling web sites to authorize user (or protected content or protected web sites, page 19, lines 3-20);

authorize downloading of protected content from a source to a client system (see., abstract, specifically wherein it is stated that upon passing the test, the copy protection system grants the end-user a license and enables the end-user to download software that facilitates access);

preventing non-ephemeral reproduction of the downloaded content by the client system until compensation is received (see., page 5, lines 6-20, specifically wherein it is stated that a licensed or authorized end-user may download site copying software to an associated end-user computer system from the copy protection system server..).

It is to be noted that Glogau fails to explicitly disclose Applicant's newly added limitations wherein the server security program distributes the content to a client system if the client system has a limited-use client program and wherein the limited-use client program limits reproduction of the content at the client system in at least one way. However, Kim discloses an illegal view/copy protection for a digital broadcasting including a reproducibility control field for limiting the reproduction of a copied program see., abstract, col 5, lines 64-67, col 6, lines 1-17). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the copy protection method/system of Glogau by including the limitations detailed above as taught by Kim because this would prevent from being illegally viewed or copied to thereby protect its copyright.

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Conclusion

6. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

(703) 305-7687



Pierre Eddy Elisca

Patent Examiner

November 10, 2003